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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13
14 **IN RE CTF GP PRISONER LITIGATION:**
15 **DANIEL P. CRUZ, et. al.,**

16 Plaintiffs,

17 v.

18 **R. DIAZ, et al.,**

5:19-CV-1974-LHK

**DECLARATION OF C. THOMPSON IN
SUPPORT OF DEFENDANTS'
RESPONSE TO ORDER TO SHOW
CAUSE**

Judge: The Honorable Lucy H. Koh

Action Filed: November 20, 2019

20
21 I, C. THOMPSON, declare:

22 1. I am a Correctional Counselor III employed by California Department of Corrections
23 and Rehabilitation (CDCR) in the Classification Services Unit. In this capacity, I review
24 inmates' classifications to ensure they are appropriately housed based on each inmate's security
25 and safety concerns. I am competent to testify to the matters set forth in this declaration, and if
26 called upon by this Court, would do so. I submit this declaration in support of Defendants'
27 Response to Court's Order to Show Cause (ECF No. 53).

28 2. The classification of an inmate begins when they are received into CDCR's custody.

1 A Unit Classification Committee (UCC) reviews each inmate's case at least annually to consider
2 the accuracy of the inmate's classification score, custody designation, program, work and
3 privilege group, and facility placement, including recommendation for a transfer. Factors
4 reviewed include the inmate's date of birth or age, term status, county of commitment,
5 commitment offense, length of sentence, when the inmate was received into CDCR's custody,
6 county of last legal residence, escape-related convictions, current or potential holds, arson-
7 related arrests or convictions, sex-related arrests or convictions, current custody score, current
8 security level, current custody designation, the reason the inmate was transferred to his current
9 institution, eligibility status for special programs, work and privilege group assignments, enemy
10 or security threat group concerns, confidential information, medical/psychiatric/disability
11 concerns, proximity to family, and any other relevant information. These factors are considered
12 in their totality. An inmate's preferred action or transfer and the reasons for his preference are
13 also taken into consideration

14 3. On June 30, 2020, inmate Ambrosio Villagrana (CDCR No. C84430) appeared before
15 the UCC. The UCC reviewed Villagrana's file, noting that he is 58 year old, serving a life
16 sentence with the possibility of parole for murder. Based on Villagrana's case factors, including
17 his behavior while in custody, he was determined to be appropriate for housing in a Non-
18 Designated Programming Facility (NDPF). Accordingly, the UCC recommended Villagrana for
19 transfer to a NDPF either at CTF's Level I facility or Sierra Conservation Center's Level I
20 facility.

21 4. A recommendation for transfer does not mean an inmate will be transferred. Rather,
22 if a committee recommends an inmate for transfer, the case is then referred to the Classification
23 Staff Representative who will review an inmate's case before endorsing the inmate for transfer
24 or rejecting the recommendation for transfer. Reasons for rejecting a transfer can include health
25 factors, security concerns, and/or litigation considerations.

26 5. On July 14, 2020, I was provided with Villagrana's case. Upon review of
27 Villagrana's file, it was determined that although the recommendation to an NDPF was accurate
28 based on his case factors, at this time, Villagrana will remain in his current housing, as a general

1 population inmate in CTF's Level II cell housing. This decision was partly based on the fact that
2 the Attorney General's Office had informed us that Villagrana should not be transferred because
3 he is currently litigating the issue whether his transfer to a NDPF would violate his rights. But
4 even if Villagrana were not currently litigating that issue, he would not be moved at this time.
5 Transfers are currently disfavored unless absolutely necessary because of health risks related to
6 COVID-19, including limited bed availability due to social distancing requirements. In light of
7 Villagrana's age, retaining him in his current location reduces his risk of contracting the virus.

8 6. Accordingly, the Classification Staff Representative denied the recommendation for
9 transfer, and Villagrana remains a general-population inmate in his current housing.

10 I declare under penalty of perjury that the foregoing is true and correct and that this
11 declaration was executed on August 25, 2020, in Sacramento, California.

12
13 /s/ C. Thompson

14 C. Thompson

Correctional Counselor III

Classification Services Unit, CDCR

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